

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RIMKUS CONSULTING GROUP, INC. §  
Plaintiff §  
§  
v. § CIVIL ACTION NO. 4:07-cv-00405

NICKIE G. CAMMARATA,  
Defendant §

RIMKUS CONSULTING GROUP, INC. §  
Plaintiff §  
§

v. § CIVIL ACTION NO. 4:07-cv-0910

GARY BELL and U.S. FORENSIC, LLC  
Defendants §

**PERMANENT INJUNCTION**

BE IT REMEMBERED that the Court considered the agreement reached by the parties for the entry of a permanent injunction in partial settlement of the claims raised in these consolidated actions and based on the pleadings, the evidence the Court has heard during the course of these proceedings and the agreement of Gary Bell, Nickie G. Cammarata, U.S. Forensic, LLC and Rimkus Consulting Group, Inc. ("Rimkus"), the Court is of the opinion that Rimkus' request for a Permanent Injunction should be granted. The Court finds that Rimkus appeared through its various corporate officers and through its counsel of record; that Gary Bell appeared personally and through his counsel of record; that Nickie G. Cammarata appeared personally and through his counsel of record; and that U.S. Forensic, LLC., appeared through its managers, and through its counsel of record. The Court, after examining the record, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties. The Court further finds

that the parties waive the issuance and service of a writ of injunction upon them and that they agree that this Permanent Injunction is enforceable by contempt without formal service of a writ of injunction.

IT IS ORDERED that:

1. Gary Bell, Nickie G. Cammarata, William Janowsky, Michael DeHarde, J. Darren Balentine, U.S. Forensic, LLC, and U.S. Forensic Associates, LLC, are permanently enjoined from possessing or making any use of the Rimkus PowerPoint presentation generally known as "Roof Damages."
2. Gary Bell, Nickie G. Cammarata, William Janowsky, Michael DeHarde, J. Darren Balentine, U.S. Forensic, LLC, and U.S. Forensic Associates, LLC, are permanently enjoined from making any use of the Rimkus financial data that Gary Bell sent to the email address garybell@gmail.com and each of Gary Bell, Nickie G. Cammarata, and U.S. Forensic, LLC are mandatorily enjoined to destroy any and all versions and derivations of such data; and
3. Gary Bell, Nickie G. Cammarata, William Janowsky, Michael DeHarde, J. Darren Balentine, U.S. Forensic, LLC, and U.S. Forensic Associates, LLC are permanently enjoined from registering, or attempting to register, and from using the trademark Rimkus Consulting Group, Inc., and the domain name rimkusconsultinggroup.com.

IT IS FURTHER ORDERED that Nickie G. Cammarata is mandatorily enjoined to destroy all versions or derivations of the following documents, whether in electronic or paper format:

Katrina\_drought.doc;  
Ceramic floor tile failure.doc; and  
Katrina wind\_flood.doc;

and is permanently enjoined from making any use of the foregoing documents or permitting others to make any use of those documents.

IT IS FURTHER ORDERED that Nickie G. Cammarata is mandatorily enjoined to deliver Jeremy Hoffpauir, P.E. at Rimkus' office located at 3850 N. Causeway Blvd., Suite 1325, Metairie, LA 70002 by no later than 12:00 p.m., October 11, 2010 the following items:

The following documents, binders and folders (with all contents) produced at the September

16, 2009 Cammarata document production in the offices of Taggart, Morton consisting of documents bates numbered NCG 16045-18799, and:

BINDERS

1. Consulting Engineering Guide: A Guide for Engagement of Engineering Services (American Society of Civil Engineers).
2. DRI Conference (Rimkus)
3. Concrete and Roof Tile Design Criteria : Installation Manual for Moderate Climate Regions : By Roof Tile Institute and Western States Roofing Contractors Association
4. Commercial Roofs Damages Assessment – Haag Engineering
5. American National Standard – ASNI A10.18.-1996
6. American National Standard – ASNI Z359.1-1992 (R1999)
7. 1965 STANDARD BUILDING CODE (International Code Council)
8. 1991 Standard Building Code
9. Intentionally Omitted by the Parties
10. RS Means Repair and Remodeling Cost Data – 19<sup>th</sup> Annual Edition Commercial/Residential – 1998
11. Residential Construction Performance Guidelines For Professional Builders & Remodelers 2<sup>nd</sup> Edition – by NAHB 12. EXCAVATIONS – U.S. Department of Labor Occupational Safety and Health Administration – OSHA 2226 1995 (Revised).
13. SBCCI – 1997 Standard Building Code
14. American National Standards – for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance – Standard Practices (Pruning).
15. American Society of Engineers, Practice No. 45 - Consulting Engineering: A Guide for Engagement of Engineering Services , Revised Edition.
16. Energy Efficient Building Association – Builders Guide - Mixed Humid Climates
17. ANSI/ASCE – 1990 , ANSI APPROVED August 1, 1991 – Guideline for Structural Condition Assessment of Existing Buildings
18. Intentionally Omitted by the Parties
19. Standard Building Code – 1976 Edition – SBCCI – Southern Building Code Congress International
20. American Society of Safety Engineers – American National Standard – Safety Requirements for workplace floor and wall openings, stairs and railings systems - (ANSI A1264-1995).
21. CECO Product Systems – Product Manual
22. Composition and Wood Roofs Damage Assessment – by Haag Engineering
23. Asphalt Composition Shingle Pictorial – Fifth Edition – by Haag Engineering
24. 1997 Standard Building Code – by SBCCI
25. National Property and Casualty Claims Research Center (NPCCRS) – Building Damage Estimator's Guide
26. SBCCI – Standard Plumbing Code - 1979 Edition
27. Louisiana Standard Specifications for Roads and Bridges – 2000 Edition
28. ANSI – American National Standard for: Residential Inground Swimming Pools – ANSI/NSPI -5 1995
29. ACSE 7-98 Standard – Minimum Design Leads for Buildings and Other Structures
30. 2001 Edition – Commentary - Wood Frame Construction Manual for One and Two Family Dwellings – American Wood Council

- 31. Hail-fall, Roofing, and Impact Testing by Haag Engineering
- 32. Southern Standard Building Code – 1965 Edition
- 33. SBCCI – Standard for Hurricane Resistant Residential Construction – SSTD 10-99
- 34. ANSI – American National Standard for: Arboricultural Operations – Pruning, Repairing, Maintaining, Removing Trees and Cutting Brush Safety Requirements - ANSI Z133.1-2000
- 35. American National Standard for Public Swimming Pools – ANSI/NSPI-1 1991
- 36. Wood ASCE – Material Evaluation Structural Condition Assessment - Existing Structures
- 37. Structural Steel and Fire, by F.M. Dill
- 38. ASCE 7 - New Wind Load Provisions of the 1998 Edition ASCE 7-98
- 39. Intentionally Omitted by the Parties
- 40. ASCE – Material Evaluation for Structural Condition Assessment of Existing Structures
- 41. ASTM Standards
- 42. Office Manual of The Office of State Fire Marshall
- 43. Intentionally Omitted by the Parties
- 44. ADA Accessibility Guidelines for Buildings and Facilities
- 45. Wind Effects/Sudden Damages vs. Maintenance (Haag Engineering)
- 46. Manufactured Home Construction and Safety – 24CFR 3280 2000
- 47. OSHA Construction Regulations for the Home Building Industry
- 48. Official Handbook of the Office of State Fire Marshall
- 49. Trenchless Technology
- 50. BLDG Under Pressure – Rain & Drainage Planes – Insulating Sheathings
- 51. ASHRAE Journal - Understanding Vapor Barriers – August 2004
- 52. Pile Driving Vibrations and Damage Control of Existing Structures - David Lapene
- 53. Noise Control
- 54. Louisiana State Sanitary Code
- 55. DuPont Tyvek Weatherization Systems - Architectural Reference Manual
- 56. Black Binder without label – contains information regarding Foundation Failures and presentations to Adjusters.
- 57. PAREX Incorporated – Exterior Insulation and Finish Systems
- 58. Pleko
- 59. Thoro System Products
- 60. Vapor Barrier & Moisture Barrier Systems & Products
- 61. Truss joist Pre-engineered Floor System - Sampson Strong Tie
- 62. Blasting Guidance Manual
- 63. Vulcraft
- 64. Building Envelope Technology – 2005 Symposium
- 65. ADAAG for Buildings and Facilities, September 2002
- 66. ANSI A117.1 1980
- 67. Amendments to Standard Plumbing 1976 revision to 1975
- 68. Asbesto2
- 69. Intentionally Omitted by the Parties
- 70. Piling Screw-Type
- 71. Metal Roofing – Berridge
- 72. E.I.F.S - Exterior Insulation & Finish Systems
- 73. Construction Vibrations Seminar – June 2003 Houston, TX
- 74. The NRCA Roofing and Waterproofing Manual
- 75. OSHA Ladders & Stairs

- 76. Hail Asbestos Roofing Other
- 77. Moisture Source – Interior Moisture Sources in Residential Construction by Jeffrey H. Peters – Rimkus
- 78. ICC / ASNI A117.1-1998
- 79. Intentionally Omitted by the Parties
- 80. Handbook of Construction Tolerances – Kent Ballast (Mazur Deposition Exhibit #215)
- 81. New Wind Load Provisions ASCE 7-98
- 82. NFPA Code for Safety to Life – 1988 Edition
- 83. LA Administrative Code Title 55 Public Safety
- 84. ASHRAE
- 85. Poly Processing
- 86. Pavestone Co. - Modular Concrete Beauty
- 87. 2001 LCA Educational Conference & Exposition May 30 – June 1, 2001 – Contains Foundation Failures presentation outlines and information.
- 88. Anchor Walls Systems Technical Manual
- 89. Using Gypsum Board for Walls & Ceilings
- 90. Manilla folder entitled “Cast Iron Plumbing Analysis Reports”. Contains 4 reports dating to 1997.
- 91. Copy of Construction Mold Seminar.
- 92. Copy of Cammarata deposition from file 74741.
- 93. Rimkus engagement letter from Bell to Irpino dated 8/11/2004. Case was Baxter v. Percy Howard and Frazier-Keifer Housing Development.
- 94. Cammarata resume.
- 95. Rimkus New Orleans Open File Status Report from 3/23/04.
- 96. December 13, 2003, Rimkus marketing memo concerning attendees at The Owners Construction Superconference.
- 97. “Residential Property Evaluations” to State Farm Insurance Company
- 98. “Foundation Failures” RCG Presentation to Trinity Universal dated November 5, 1997.
- 99. “Steep Slope Roofing” presentation to State Farm University dated Feb. 28, 1996.
- 100. “Roof Damage” presentation to State Farm Insurance Company.
- 101. “Low Slope Roofing” presentation to State Farm Insurance.
- 102. “Plumbing Systems” presentation for Trinity Universal.
- 103. Plumbing – Leak Detection
- 104. Cast Iron Pipe Deterioration
- 105. Plastics
- 106. BUR/Lab test by Haag Engr
- 107. Roofing Metal
- 108. Roofing Clay tile Spanish
- 109. Roof/ Membrane type epdm, mod. Bitumen, bur
- 110. Roof Consultants Institute application for Cammarata
- 111. Pavestone material
- 112. AIA document A201-1997
- 113. Heavy Equipment Literature
- 114. Building Science
- 115. Caustic Soda
- 116. Candles, Soot, Other
- 117. Residential Steel Construction
- 118. Wood Flooring

119. Roof Consultants Institute material
120. Roofing Firefree Steep Slope (marked for copying)
121. Best Building Practices (marked for copying) (Joseph Lstiburek, May 17, 2006, Lafayette, LA)
122. Roofing Umpire.Candidates
123. Bruner Mallet Roofing Co.
124. RCG DRI presentation on Roofing. (Copied)

FOLDERS

125. Folders containing reference material on hurricane winds and earthquakes.
126. Flooring Ceramic Tile – contains several emails from Bill Mazur regarding the flooring at an ice cream plant, Good Humor - Breyers file in Las Vegas. Emails are dated around June 21-25, 2001.
127. Timber Construction GLU-LAM
128. Foundations “Defining Foundation Failure” K.T. Meyer
129. Pools
130. folder on Weather Resistive Barriers
131. US Bureau of Mines RI 8507 RI 8485
132. Vieux Carre roofing policy
133. FEMA base flood elevation
134. Geotechnical Investigations Reports (no RCG reports. Just reports from MS department of transportation)
135. Explosion damage
136. Estimated Costs 2/23/99
137. Alpha Testing and Inspection, Inc. – RCG file 73116;
138. Roof Masters 5/20/98 estimate.
139. Trees - How they can affect footings
140. PTI - Foundation Design on Expansive Soils 11.5.99
141. Foundations - Texas State Board Recommendations Residential Foundations
142. Foundations – Settlement from Pile Driving in Sands
143. Code of Ordinance City of Kenner
144. Concrete – Fire Endurance “Damage”
145. Code of Ordinances Baton Rouge
146. CompuLevel
147. Concrete Technology Today PCA Publication
148. Cranes & Derricks, Leads and Static, Wind Dynamics
149. Post-Tensioning Institute Foundation Performance Association binder from 11/5/1999
150. Walls/Curtain Wall
151. Foundation - Repair, Screw Piles, Contractors, Under Pinning
152. Slip and Fall Info
153. Slip & Fall Published Articles
154. Sheet Pile Wall Anchored

IT IS FURTHER ORDERED that to the extent Mr. Cammarata no longer possesses item numbers 3, 4, 8, 15, 17, 51, 85, 93, 95, 96, 125, 134, 137, 138, and 149 from the foregoing list, he shall prepare and execute a sworn affidavit attesting to the fact that Cammarata is no longer in possession of those items, that he has not transmitted those items to any other person or entity, specifically including Gary Bell, Michael DeHarde, William Janowsky, J. Darren Balentine or U.S. Forensic, L.L.C. or U.S. Forensic Associates, L.L.C., and that he has destroyed the listed items.

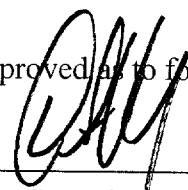
IT IS FURTHER ORDERED that because the parties waived the issuance and service of a writ of injunction, this Permanent Injunction is effective upon it being served on the parties' attorneys through the Electronic Case Filing System.

SIGNED on November 2, 2010.



THE HONORABLE LEE H. ROSENTHAL,  
UNITED STATES DISTRICT COURT JUDGE

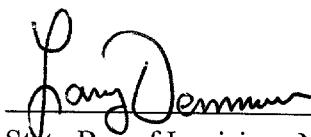
Approved as to form and substance and entry requested:



State Bar of Texas No. 00785177  
Southern District No. 15370  
ATTORNEY FOR RIMKUS  
CONSULTING GROUP, INC.



State Bar of Texas No. 01943900  
Southern District No. 13169  
ATTORNEY FOR RIMKUS  
CONSULTING GROUP, INC.



State Bar of Louisiana No. 24376  
ATTORNEY FOR GARY BELL,  
NICKIE G. CAMMARATA AND  
U.S. FORENSIC, LLC